

Constitutional reforms and political pragmatism

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By **Srinath Fernando**

The separatist war, which had plagued the country for three decades, has been successfully brought to an end thanks to the tenacious position held by the President, Defence Secretary and the former Army Commander. If not for the persistence efforts of the trio, we could not have had victory over terrorism. Each played his role magnificently along with other departments of the Government.

People too sacrificed a lot. The economic burden was unbearable yet terrorism had to be rooted out whatever the consequences. The game is over now and two years have elapsed since the day the victory over terrorism was celebrated.

Now an entirely different ball game is being played overseas and the question that's being asked is whether the Government is ready to display pragmatism or face eternal bickering and squabbling with world powers.

Radical shift in foreign policy

Diplomacy is the art and skill of conducting foreign relations, yet it should be complimentary with the reality on the ground. The ethnic issue seems to have taken a new dimension with the ascendancy of the separatist Tamil lobby overseas and a call for greater autonomy for Tamils in Sri Lanka is gathering momentum.

The Government seems to be on the wrong side and separatist lobby seems to have allied with Sri Lanka's traditional friends. A diplomatic U-turn is an imperative need.

Confrontational politics with West must be ceased immediately. We need to mount a full scale dialogue with the West even to the extent of committing Sri Lankan defence forces personnel to Afghanistan under the NATO/coalition umbrella.

We need to bury the omissions and commissions of the past diplomatic blunders and start afresh a new dialogue with the West. It would be wrong to say that we have China and Russia for help. This drives the point that 'we do not want others'.

We cannot be oblivious to the fact that the US, UK and European powers had banned the LTTE as a terrorist organisation thanks to effective diplomacy of former Foreign Minister late Lakshman Kadiragamar. This anti-terrorist momentum needs to be maintained.

Political and constitutional reforms

No government in power would dare touch the issue of devolving extensive powers to regions, thus undermining the unitary character of the state. However, political wisdom and pragmatic solutions could silence the separatist lobby overseas.

We have failed to drive the fact overseas that only a tiny minority within the Tamil minority is hell-bent on trying to carve out a separate state for Tamils and majority of the Tamils are for an acceptable and a dignified solution within the framework of one country. Their main contention is that Tamils should live in dignity with the majority Sinhalese.

How could this be achieved? It is an uphill task. There should be consensus in the Sinhala constituency as to which type of solution is acceptable to the majority Sinhalese and the minority Tamils. A solution cannot be forced down the throats of the people. The legitimacy of any political solution must be derived from people. It is therefore imperative that both Sinhalese and Tamils must sit together and discuss and arrive at a home-grown solution.

There is also a sizeable Muslim lobby and they too have been active participants of the body politic of Sri Lanka from time immemorial and nothing should be left for the detriment of Muslim population.

There have been many discussions in the past, but no concrete formula seems to have been worked out due to the absence of all stakeholders in the deliberations. Perhaps the Parliamentary select committee would be an ideal opportunity and yet again wider public participation is crucial.

A responsible government cannot ignore the fact that a solution is left with a Parliamentary committee, but it too should articulate its position in the backdrop of numbers it has in the Parliament where a solution can be implemented with ease.

The Government of the day has resorted to extending political agendas with the support of the numbers it has in the Parliament and the same 'political will' should manifest itself when it comes to finding a lasting solution to the ethnic issue.

Constitutional reforms need not be confined to the structure of the Sri Lankan State, but it can also change the administration of Sri Lanka where language and educational policy of the State should be revived.

Tamils feel that Tamil Language (Special Provisions) Act No. 28 of 1956 brought about discrimination and the Parliamentary select committee should also look into the language policy of the Government and recommend new thinking in this area. The Law Commission has been revived and let it also review any discriminatory legislation and recommend repeals or modifications.

Lebanese style 'national pact' and 'confessional system'

One aspect constitutional experts have hitherto not touched on is the Lebanese type 'National Pact' among Sinhalese, Tamils and Muslims where we could explore the possibility of amending the Constitution to pave the way for the office of vice president (or any such arrangement) to be appointed from a member of a Tamil community.

The Lebanese National Pact is an unwritten understanding among various ethnic and religious factions and it had been agreed upon in the following understanding and it is essentially a confessional system based on census.

The National Pact says (a) the Maronites not to seek foreign intervention and accept Lebanon as an Arab affiliated country, instead of a Western one (b) the Muslims to abandon their aspirations to unite with Syria (c) the President of the Republic always to be Maronite (d) the Prime Minister of the Republic always to be Sunni (e) the President of the National Assembly always to be Shi'a (f) the Deputy Speaker of the Parliament always to be Greek Orthodox.

This pact has been formulated in 1943 and has since been upheld throughout despite many challenges along the way.

A national pact for Sri Lanka could also invite greater participation of Buddhist hierarchy so that any suspicion of diluting the traditional character of the Sinhalese state, which had been maintained since Buddhism was introduced to Sri Lanka, could be verified and held onto.

Each community is given a new recognition taking into a consideration its composition compared to the majority community. The risks involved in confessional systems are that it would impact on the ever-increasing demographic compositions of various ethnic communities/regions, however by wider deliberations at the Parliamentary select committee this could be further refined. There are ample lessons we can learn from the constitutional history of the world. There are also regional politics involved. India cannot open the floodgates of separatist calls through political experiments in Sri Lanka. India is a country with diverse cultural and political dimensions whereas Sri Lanka has only two major ethnic communities. What is lacking in Sri Lanka is the diversity that we see in India. Let Tamils also be given a share in power and this need not necessarily be in the form of devolution, but could be through greater integration of Tamils in the administration of Sri Lanka.

I firmly believe that 'a confessional system' or 'a national pact,' through an unwritten understanding with the participation of Buddhist hierarchy, would perhaps break the ice once and for all. May peace and harmony among all communities prevail in this blessed land.

(The writer is a freelance journalist and political lobbying and government relations consultant.)

- See more at: <http://www.ft.lk/2011/08/12/constitutional-reforms-and-political-pragmatism/#sthash.xYnk7FKr.dpuf>